



John L. Salomone
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR JEFF WRIGHT

MINUTES (as amended)

CHARTER REVISION COMMISSION

July 24, 2008

I CALL TO ORDER

Commissioner Bafundo called the meeting to order at 6:32 PM in the Helen Nelson Room of the Newington Town Hall.

II PLEDGE OF ALLEGIANCE

III ROLL CALL

Commissioners Present

Nancy Bafundo - Chair
Tony Boni
Peter Boorman
Robert Briggaman
Alan Nafis

Also Present

Tanya Lane – Town Clerk

Note: Verbatim comments in the following section of the minutes are indicated by *italics* until otherwise noted.

IV PUBLIC PARTICIPATION

Myra Cohen, 42 Jeffery Lane: Mrs. Cohen spoke about Mayor Wright's proposed suggestions regarding a budget referendum. She remarked that she is not going to take a position on anything at this point because the item has not yet been discussed, but she commented on certain items on Mayor Wright's document for clarification:

- Section A: *If we don't want to use the term "appropriations" as we use it in the budget, in keeping with the terms "expenditures" as it currently exists section 805 then the term should be "proposed expenditures"*
- Section D: *If you are specifying the size and type of type (font), that may be fine for the notices sent out to the taxpayers, that may be fine for the finance department but the public should have the samples of what that type means and while you're at it you might as well specify the color of the paper and ink which would be very important to seniors. I think blue ink is hard for them to see.*
- Section A: *States: Will have a referendum only if the proposed tax rate exceeds the current tax rate by more than three percent. Section C asks what is the meaning of real dollar value of the budget ordinance. I'm not sure what the reference is there. If the intent of this section is to let the property owner know what his new tax bill will be, the notice should indicate what the three percent increase will be and the difference between the three-percent increase and the proposed increase because it is only that difference **increase** that is the difference for this referendum.*

- *Section D: Regarding the information sent to the tax payer in years of no revaluation. If there is no increase over three-percent there is no referendum, so there is no notice to be sent, so why the reference in that section to a decrease or a no-change?*
- *Section J: If the first referendum fails, the Council has seven days to agree on a substitute budget and if that still exceeds the three percent increase over the current year there is a second referendum. If that second referendum fails the Council has to adopt a budget that limits the increase to three percent. No time frame is given for the Council to do this. On the other hand, if after the first referendum fails the Council is unable to agree on a substitute budget after seven days, the Council has to adopt a budget that limits the increase to three-percent and again, no timeframe is given for the Council to act on this. Please consider allowing for the Passover holiday which falls on a different date every year. In years when the grant list is the result of revaluation, the three percent cap is based on the increase of proposed expenditures over the current budget's proposed expenditures. You should note that this year the mill rate increased by 2.86%, but total appropriations increased 3.77%. If you were referring to the amount to be raised by the current taxes, this year's increase is 4.56%. In the year we had revaluation, 2006-2007 which was based on the grand list of October 1 2005, the grand list increased by 44.91%. The total appropriation increase that year was 5.27% and there was a non-tax revenue increase of 14.33% and a general fund balance increase applied of 21.21% and the amount to be raised by taxes that year was in increase of 2.91% although that was the year of revaluation, so the mill rate went down by 29.29% so I'm not sure how you are determining which number to use that will really work in the year of a revaluation.*

Lyn Connery, 225 Robbins Avenue: Ms. Connery spoke against the proposed budget referendum. She indicated that she works in a town that has a budget referendum and noted that there have been many years in which the budget referendum has caused havoc in that town. She stated that there have been years when there has been a "black cloud" over that town because the budget wasn't passed, no one knew what was going to happen and the school system came to a standstill. Ms. Connery stated that it became an emotional issue, as people don't review the proposed budget in the perspective of what is best for the town overall, they look at only the parts of the budget that affect them and vote on the budget based on those items rather than the budget as a whole. She stated belief that the Town Council is elected to review the budget and if the voters do not like the work of the Council the voters can vote out the Council every two years or vote to keep the Council if they wish. She stated that this has already been demonstrated in Newington.

Judy Igielski, 23 Old Musket Drive: Ms. Igielski spoke about the proposed budget referendum language and inquired how resident voters who vote by absentee ballot will be accommodated for budget referendums. She stated that a seven-day turn around time is not enough time to get ballots printed, handed out and received back by the Town Clerk and Town Registrar's offices. Ms. Igielski noted that the term "*property owners*" is used. *They will be sent a letter, mentioning the question only with no other information. What happens to the voter that is a non-property owner?* She stated that there are many people in Town who don't even own cars, such as students living at home or those who through disability or age cannot drive. She inquired whether this means these people can't vote because they are not property owners. She stated that such is implied in the draft. Ms. Igielski inquired whether copies will be available for multiple residents for review so that a responsible choice can be made. She inquired as to what percentage of registered voters must vote in order for the referendum to be valid, commenting that she does not want her Town budget decided by a thousand people out of about 15,000 registered voters. She inquired whether it is a simple majority or by two-thirds vote and inquired whether voting machines will be used or paper ballots. She inquired whether all districts will be open and indicated that if all districts are open the cost would be about \$15,000 – this could be a possible \$30,000 out of tax money and inquired as to why. She stated that the current system works. Ms. Igielski again inquired whether voters that don't own property can vote, and inquired how such voters would receive information if it is not going to them in the mail. She stated belief that the time spent by Councilors and staff to prepare the budget amounts to hundreds of hours and inquired how the average voter will know the detail that goes into the budget and the services they can lose by voting on a budget. She stated concern about referendums, noting friends in other towns who have experienced four or five referendums. She indicated that the Town of Newington is trying to limit it to two but noted that the turnaround time is too tight to allow the Town Clerk and Town Registrar to do their job to ensure that each voter has the right and the chance to vote. She stated that while the Town has sometimes not been happy with budgets that have been passed they have learned to get along, to compromise and to work things out. She stated that there are several reasons why people vote no, and noted that people can pick one line item... She stated that these are all logistics that she has looked at, and noted that she has

worked with absentee ballots and stated that those people have the right to vote on a referendum that is going to affect their services.

V MINUTES

A Regular Meeting, 7-10-08

Commissioner Briggaman noted that on page 3, second line from the top, the phrase "Ms. Lane required" should read, "Ms. Lane indicated" (so noted)

Commissioner Boorman requested the following changes to the minutes:

- Page 4, second paragraph under section B, 8 lines down: The word final should be removed from the phrase "final votes for any part of the Commission's work should be held until the end"
- Page 4, second paragraph under section B, 11 lines down: strike the sentence that contains: "as being a preliminary matter and once the Commission is done it would give everyone the opportunity to comment and consider changes that may come up at that point and then Commission would *address the vote on the document as a whole.*" Replace with "*Once the Commission is done reviewing the entire Charter, members will vote on what to send to the Town Council.*"
- Page 4, same paragraph add the words: "of Charter Review" to the end of the phrase "is preliminary and subject to review at the end"
- Page 6, about halfway down: the word "culminated" should be changed to "cultivated" in the phrase "gave the Commissioners an idea that he culminated and sent"
- Page 6: Commissioner Bafundo's comments "any information violation" should read "any FOI violation".
- Page 6. same line: the wording "Mayor Wright inquired" should read "Mayor Wright inquired of Ms. Lane" (so noted)

(See attached Response to requested changes to the minutes of the July 10, 2008 Charter Revision Commission Meeting)

Commissioner Boorman moved to accept the minutes of the Regular Meeting, 7/10/08 with amendments listed above. Motion seconded by Commissioner Boni. Motion passed 5-0.

VI MATTERS TO BE CONSIDERED

A Discussion of Proposed Language for Charter Revision Re: Budget Referendum

Note: All comments in the following section of the minutes are verbatim until otherwise noted.

Commissioner Boni: The Commission had previously spoken about coming to a general consensus; obviously there will not be one on this matter. So, if I may I'd like to make a motion to add, accept and submit the Charter revision Section 821 as written by Justin Clark our Attorney and proposed by Jeff Wright, our Mayor, to be submitted to the Town Council and public.

Commissioner Bafundo: this is attached to the agenda and documents received by the Commission, and this is what you are referring to, correct? Commissioner Boni: Yes, section 821. Commissioner Briggaman: I'll second that motion.

Commissioner Boorman: I'm just indicating that as part of this discussion wouldn't it be appropriate if we started at the beginning and had a discussion relative to whether we believe that a mandatory budget referendum is appropriate before we actually start on the language? I would propose to even start it by discussing the issues that are related to what we would have in a mandatory budget referendum in our Charter and we can discuss that. Commissioner Bafundo: since Tony (Boni) introduced it let Tony (Boni) speak to it. That would be a great place to begin. It would be an opportune and appropriate place to identify why you believe that this would be an appropriate thing to be discussing. Commissioner Boni: I made a motion and I stand by that motion. Commissioner Bafundo: And I'm allowing you to speak to it. Commissioner Boorman: so you made a motion that we move on a three-page amendment to the Charter that has been described by all of us as

the “pink elephant in the room” since we started the process and your only comment relative to your motion is that you move to pass this and you have no basis for why the we should do so? Commissioner Boni: That’s correct.

Commissioner Briggaman: I think it’s a well written document... (section 821) is a well-written document. As far as the discussion about mandatory referendum (comments not audible on the tape) ...as written and while there may be some suggestions made tonight that might be added to this, as a whole it is a well written document and then we could move forward with it. Commissioner Bafundo: You’re in support of having budget referendums? Commissioner Briggaman” I am in support of a mandatory budget referendum, yes I am.

Commissioner Nafis: I am befuddled; I thought the process would be that we would have to at least discuss the reason why we would want to do away with the system we have now. I’m not sure whether there is a vote coming here immediately or of this is a three-hour discussion to get back into the real basics of what we had and where we are going to go with it. If the vote is going to be happening now and we are going to say yes or no and then move on, all I can say is that I hope that’s not the case and I hope you will agree with that. I think we are putting the cart before the horse and I think we at least allow the people and ourselves certain discussion on why we would want to go to budget referendum in the first place, what’s wrong with our system now, why we have to change it and look at pros and cons of that. I don’t know if that your intent was when you made your motion. I think that is what Commissioner Boorman: (Boorman) and Nancy (Bafundo) were asking: what the intent of the motion is, if we are voting on it what does that mean? If I could get an answer to that I’d appreciate it but I do want to think that we have to give this a little bit of discussion. If it’s under this motion that’s fine, but it’s going to go a little bit beyond just talking about what’s in this document here.

Commissioner Boorman: I’ve prepared some remarks in line with what Alan (Nafis) is talking about. Simply, this process is not supposed to work where you sit up here and just make a motion and second it. You have no basis whatsoever to put on the record. I don’t believe that’s what the commission is set up for; I believe we should have an exchange of ideas. We may not agree, we may agree, but to just simply sit up here and make a motion and look at numbers around the table and not discuss it is a mistake. It’s a mistake for the public, a mistake for us and it would not be us doing our job as Commissioners... it simply is shrugging our duties to thoroughly explore such a fundamental idea by simply giving it short shrift. I have spent a long time considering this issue of budget referendum whether it’s mandatory or not. Despite some comments that were made earlier and references that were made earlier I joined this Commission as an appointment from the Democratic Party. I had no preconditions placed upon me. No one asked me or gave me a litmus test as to whether I would support this or not. Instead, what I indicated to them and what was indicated to me was to go in and do what is best for the Town of Newington, and that is what I intend to try to continue to do. There have been no political forces, no demands made on me so to be clear about that there is nothing along those lines. My reason for volunteering is, as you all know, I have been Town Attorney for the Town of Newington for ten years prior to individuals that are appointed now and the last regime also. I personally saw how important this Charter is. I know in working with Town Councilors, working with the Town Manager and working with department heads this Charter means a lot to what happens on a daily basis in the Town of Newington. I don’t know if you remember but several years ago when Keith Chapman was Town Manager we got written up on the front page of the Hartford Courant as being one of the most ideal towns in the State of Connecticut. I’m proud of that; I’m proud that I was a part of that government that was able to foster that kind of community, that kind of desire for people to move into this community and to stay in this community. As most of the speakers have said to us, or a vast majority have said – our Charter is a strong, effective document that simply works, and for me to address fundamental changes you better have a darn good reason why you are going to change something that works. I take it most seriously; I have deep concerns relative to changes that will potentially harm our form of government, cause severe consequences not only to our leaders that are elected, but the leaders that come in the future that have to operate under this Charter, and that means severe consequences for the Town of Newington’s people as well. Let there be no misunderstanding – requiring an annual budget referendum is a fundamental change. The forefathers of our Charter, those gentlemen and women that put this Charter together, specifically rejected a budget referendum when they did it initially, so if you want to look back historically, if you are a conservative that wants to look back to... Me, I want to know a reason why you’re going to go back to our forefathers that wrote this and tell them why you are going to have a budget referendum when they specifically rejected it. Why do we reject their wisdom? If we do reject their wisdom, please clearly delineate the reasons why we would do that. It’s simply not good enough to say, as one of our speakers said: “the reason is let’s give it a try. If it doesn’t work then at least we tried.” That’s not a reasoned approach and that’s not a well thought-out position. That’s not a comprehensive argument – that type of governing is dangerous and disingenuous, quite frankly.

Commissioner Boorman (continued): Factors that I consider: When I came on here I said to myself, "I don't understand why we need a budget referendum". Our government, or representative democracy, works. But my mind was open. I sat here and listened to all of the speakers as all of you have, and all of the speakers, the vast majority of speakers that came before us, all started with the proposition "don't do it". They knew what the voting pattern was on this Commission and they then went on to say "but if you're going to do it" and many of them said "it looks like you're going to do it" ... "then make sure you put in things that will not trap you, will not trap future Councils, will not trap future people in the Town of Newington as they try to run an effective government." We've heard people say that a budget referendum is democratic. When we use the term "representative democracy" people jump to "well, what could be more democratic?" Believe me, it is hard to sit here and say, "What could be more democratic? Let the people vote on the budget". I don't want to be seen as someone who is not democratic - I'm using a small "d" in this term. Let the people vote, who could argue with that? If you don't agree with that then you can't be a democrat, meaning a small "d" democrat. When you take a closer look at it, it just doesn't cut it. I am a former history teacher as well as being an attorney at this point. Let me just go back in history and remind us of a time a long time ago when we had our forefathers, again, that got on that boat in the Boston Harbor and they threw that tea over the harbor. Do you remember what they said, what you were taught going all the way back into grammar school and high school? They said "no taxation without representation" and I believe in that. We have what's called a representative democracy, that's what George Washington, Thomas Jefferson, James Madison, Alexander Hamilton, and Benjamin Franklin.... I can go on and on. That's what all these men and women recognized. When our government first came on board we saw the excesses of the French Revolution, where there was this so-called democracy, where local people helped ~~(comment not audible on the tape)~~ **when local people ran tribunals** and the excesses of that horrified our founding fathers. It took a long time for our Constitution to develop. It didn't come right away, we had the Articles of Confederation first, but the bottom line was that the people vote for the representatives and the representatives on the federal level adopt the budget. It works the same way on the state level and in Newington and many towns in Connecticut that's the same way that it has worked for many years. There is a tide right now of towns that are looking to change over, but I wonder if they're doing that is because what they are really doing is ignoring history, and ignoring the lessons that we learned from history. Again, our Town fathers set it up so that we would have a representative democracy. If you talk to some of the old-timers here in Town, they'll tell you what it was like to go to a Town Meeting. The old days of the old Town Meeting when the old Town Hall was on Main Street... there were stories that I have heard, and I wasn't there so I don't know, of people actually hiding out in the bushes during a Town Meeting and being called in to vote when it was just right so they could get their message through, so they could get their vote through. With representative democracy you don't have that. We have government in the sunlight; it's not in the shade. Our forefathers in their wisdom set up a system whereas one of the speakers said earlier, and in the purpose of full disclosure, Lynn Connery is my wife, but as she said earlier, we have an election every two years, and in effect we have a referendum every two years. What you looking to do is say that we are going to have a referendum every year, and more than that, you are not just picking the people to do it – you are going to tell the people how to do it. You are going to tell the people who are elected how to do that. Thousands of votes are cast in our elections, for or against those people who are elected to represent us. This is the real referendum. The election is of individuals, this is our brand of democracy. It has worked over and over. Who can argue with that? You take a look now – those Republicans that are in office right now – how can you honestly say with a straight face that our system doesn't work? In our last election we could argue until the cows come home as to why the **Republicans** won and the Democrats were turned out. That doesn't really matter for what we are talking about tonight. What does matter for what we are talking about tonight is in the eyes of a representative democracy the system worked, the system isn't gamed. By putting in a budget referendum I believe you're gaming the system. Representative democracy works; don't try to fix what isn't broken because you could end up with something far worse. This isn't really a question about a budget referendum; this is really a question of a direct threat to our representative democracy. What you are talking about is weakening the Town Council system. I look at it, what our speakers have told us as what happens if you can't possibly make that three percent in any given year. So what happens if we can't make that three percent? What happens if we lose a teacher contract arbitration case, the health benefits fund doesn't have a good year like we did this year, the State mandates some special ed program that's unfunded, the State has a bad year and contributions to municipalities changes and goes down? We have boilers in the Town Hall that have to be fixed. How about one or two of our top ten taxpayers in the Town of Newington close up shop and move out? Do you remember the Torrington Company? Do you remember Locktite? They moved out – the possibilities go on and on. It could happen; it's not just a pipe dream. There was an argument for a mandatory budget referendum that simply said the Council would have to go out, under the Mayor's proposal here, and sell their budget. Talk to the voters, they'll understand and they'll vote

(comment not audible on the tape) **for the budget** but what if, as happened in town after town in the State of Connecticut, you get a taxpayer group that comes in and simply says "vote no, vote no". In this proposal, you vote no two times and it goes back to the Town Council. The Town Council is handcuffed, handcuffed. It was a word that I think Attorney Ancona used at our last meeting, something along those lines that I was trying to "handcuff" this council when I said that we shouldn't go forward in talking about it until everyone was on notice, including the public. How were you not handcuffing that Council when that Council knows that they can't, with a straight face, tell them the truth and go to the voters and say three percent is enough? There is no one, whether Republican or Democrat, that wants to raise taxes. No one wants to have a label on them that they want to raise taxes, but in reality, for those years where we don't keep up our infrastructure quite frankly as we didn't in the 90's, if we don't keep up our infrastructure it catches up to us. We get hit with a budget situation where we have schools that aren't going to meet the State mandate for providing education, at which time the Board of Education can sue the Town Council for that. Why would we put a Town Council in a position where they'd have to lie to voters, where three percent is simply enough? How can we operate that way? They put three percent in, the answer I heard from the Mayor was "we'll cut". We'll cut – ok, what are we going to cut? All day kindergarten? All the sports programs in the schools or maybe only the JV programs? Music programs? After school clubs? Are we going to cut the teachers? Are we going to increase class size from 25² to 30? How about on the Town side – are we going to lay off Town workers? Are we going to end the July fireworks? Are we going to make people in Town pay for their garbage pickup? Are we going to stop leaf pickup, like in West Hartford? Are we going to lose parks and recs activities for the kids in this Town? What kind of Town do we want to become? Why did you move to Newington? Why do people move to Newington now? I'll tell you that the people who have moved to Newington that I know, that I talk to moved to the Newington that was in the Hartford Courant on the front page that singled us out as one of the best towns to live in in the State of Connecticut. What will businesses do? Will businesses stay in a climate where it's unsure what the Town government's going to be? People always think that yeah, you can cut someplace else, but the people in West Hartford that voted for that, you're hearing outcries now that they are cutting services, and not the services that they thought were going to be cut. They're cutting leaf pickup – there is an outcry in West Hartford over that issue. The thing about representative democracy is that you can hold accountable those people that are elected and if it doesn't work, as the speaker said before, turn them out and bring in another person. But to go to the Charter, to go to the Constitution and build in failure is simply not responsible. And by the way, when those cuts have to be made, who is going to make those cuts? Well, we know who is going to make those cuts: the Town Council is going to make the cuts on the Town side and the Board of Education is going to make the cuts on the Board of Education side. We don't like those, are we going to vote on those too? If so, maybe we should go back to a Town meeting form of government. The other things that concern me are who is going to run for Mayor and who is going to run for Town Council if there is a mandatory budget referendum? Because what you are really doing to the Town Council is you're cutting them off in the knees. As you heard Myra Cohen say, as well as all speakers that had any connection with Town government at all – the biggest thing that the Town Council does is the budget. They seek out information, they question, they research, they have paid staff, people that we pay to educate them on all the intricacies of a budget – the school budget, the Town budget, what's going to work, what's not going to work. It is not simple when you hear at the grocery store or at a party; "Why can't in the Town they just do this or do that?" Well, there is a reason why those things don't happen. How can each voter do this? They simply can't, that's why we have a representative democracy and that's why we elect these people to do these things. A mandatory annual budget referendum devalues the job of the Town Council person. We will lose highly qualified people (comments lost due to tape switch)... Again, we will lose highly qualified people to volunteer to serve our community and we will not attract the best people. You've heard the speaker also say: "do we really have to take the people's money and spend this on an annual budget referendum?" Do we really need that if nobody objects to the budget that comes out Town, why do we have to go through that exercise? Why do we have to spend \$15,000 - \$20,000 per referendum? What message does this send to our employees, current or prospective employees? You heard our current Town Manager in a very difficult and prickly situation; he's serving the Town of Newington and gets asked the question: "how does this affect the ability of the Town to attract good candidates for the Town Manager?" and he said that it could have a very detrimental effect. So again, it is one of those answers of "don't do it, but if you're going to do it then tailor it so it gives more stability". In other words, limit this thing, don't let it run wild, don't let it run amok. What message does it send to our bond raters? We had financial people come in and tell us there is a problem with that. Don't do it again, but if you do it don't structure it so that you limit it, don't make it too effective, because if you do it will affect our bond rating. I'm also concerned about how a mandatory referendum really works. I believe a mandatory referendum puts an inordinate amount of power to the extremes of our voters. I do believe the moderate middle, those people who make up the bread and butter of this Town, their influence is diminished because what this does is enable a small group of like-minded voters to, in effect, control the budget and

therefore disrupt the Town government, again, as you've heard from a speaker earlier. We all know... we've all had information provided to us, that these kinds of votes are notorious for low turnout. That means a smaller group can mobilize and hold the budget hostage. And they can hold it hostage for the tax issue if it's too high, or they can hold it hostage because you are not spending enough for (for example) the Board of Education group. Many of us were around in an election that didn't happen all that long ago, in which there was a very strong Board of Education group that pushed and almost turned an election, let alone a referendum, because of issues related to not spending enough money on the schools. Subsequent to that, we had the referendums on schools. There are simply a million things that go into preparing a budget: study, explanation, insight, information, time, expertise. The voters could not possibly have this, but the voters can, at elections, elect people to represent them to do these things. That's how the government works. As I said over and over and we've seen it over and over, if the voters don't like it, you turn them out. So what (?) are the proponents of this? Some of the speakers that we've had have said, "Well, my goodness, it's better to have 350 voters or 850 voters or 1500 voters than nine people vote who sit on the Town Council." I respectfully disagree. It's not better. If we could guarantee turnout, if we could guarantee the education of the voters, if we could guarantee a fair and equal playing field, I would be listening to that. If anyone came up with an idea how to do that then I possibly could support it; but instead what we've heard is, "when it's a bad idea why do it (comment not clear on the tape) but since the numbers are such that the people are already committed to doing it, as we heard from our Mayor at one point, then if you're going to do it take the guts out of it as much as possible so that it doesn't hurt us in the long run. We need representative democracy. It works, it works, it works. Thank you.

Commissioner Bafundo: Alright, I think everybody needs to have a chance to speak, so I will, in respect to the budget referendum. Commissioner Nafis: Excuse me, Madam Chairwoman, you go right ahead and speak but I would like to say something else (comment not audible on tape due to several people speaking at once). Commissioner Bafundo: In respect to whether it's the motion on the proposed language or just on budget referendums in general... I think while some of us are obviously more articulate than others or more expressive than others we all have our own way of expressing ourselves and I don't think anyone here is questioning whether or not anybody has or has not done their homework or given any intent or discussion and I would hope that nobody is questioning whether or not individuals are here for the right reasons or not the right reasons. I know we've all discussed this already that we're here to do the right work and that is what I have been bringing to the table from my own perspective. I know, as many have, we've all talked to various members of the public about the budget referendum and our roles here on the Charter Commission and we know, we've gotten a lot of input, pros and cons, have it, don't have it, needs to be there, doesn't need to be there. I've heard people say it shouldn't be there; I've heard people say that we absolutely need it "Nancy, and we need it because I'm worried about the cost, I'm worried about being able to pay the bills, I'm worried about past spending and past habits and my taxes and I want to have input to it". And that's given me more of an open mind to the budget referendum and the need for a budget referendum and that's why I'm here. No, I didn't come on this saying that I would support it and I didn't come on this saying that I wouldn't support it. That wasn't part of being here and very honestly for the public to know: there are certain requirements and constraints to being a member of the Charter Commission. You can't be on an active board or commission or you shouldn't be and if you were you weren't supposed to. Having been on several past Town Councils and having been involved in the Town for a number of years that was one of the reasons why I got selected for this, so here we are. Having been on the Council for so many years and served as Minority Leader and having listened and campaigned and talked to voters and heard about their concerns made this seem like something that at this time in my life and something in our lives that is very appropriate. And the Charter is very important to every member of this Town whether they know it or they don't, or it will be important to them whether a taxpayer right now or they will be a taxpayer in the future. So it is something that we take very seriously and we need to take very seriously. A budget referendum, and I've heard this during the campaigns over and over whether it was my campaign or others and I don't plan on campaigning so it's a good thing, but it is always budgets and always taxes: how much can we spend and how much can we afford, what kind of programs can we afford, and how much say and how much should people know about the budgets? How much should they know about what their tax dollars are doing and where they're going? And will a budget referendum help that or hurt that? I guess that's the thing I wrestle with, and can the taxpayer, can the citizen out there understand it and should they understand it? That's what I'm basically wrestling with, as we've been listening to various speakers come in, experts from other towns, our own experts within Town and our public – our citizens talk about whether or not they believe that this is the right thing to do. Right now, to be honest with you, I tend to be more in favor of a budget referendum because I think it is something that people need to be involved with and it is a way for them to do that. I don't see where that's going to take away the representation, the democracy because being involved in it and being more knowledgeable about it and having more say and having an avenue to do that is a good thing, it isn't a bad

thing. Now, constructing it and making sure it's worded and its fashioned in a way that's not destructive and is not harmful to the Town is the most important thing to do. So that's the one thing as we discuss this and dialogue over it, it is going to be important otherwise it is not a good thing to do. I don't see this as weakening our Town Council system at all; to be quite honest it is probably strengthening it because the more you know about the budget and the more you know about the Town the more you are going to know about who your Town Councilors are and whether or not they need to stay in office or go. Being more involved in it might make you a better candidate to run for office someday, so I see that as a plus, I don't see that as a weakening at all and educating people about it only helps. Now, we could talk about the language, and I want to talk about the language and I want to talk about other options. I know we have a proposal before us but I think we need to hear more about our own beliefs and our own discussions about this that we've heard from the public, pros and cons. Let's be honest – we know there are two beliefs and we do know politically that there are two beliefs on this, but we as a Commission have to come up with our decision, so that's what we are doing here today and that's what we will continue to do as we go through the next several meetings. Other comments?

Commissioner Nafis: I agree with you that that's what we're all trying to get at. As both you and Commissioner Boorman: said reasons why you're here, I have no idea why I'm here. I went to the interview and I told them I'll just be who I am and they picked me anyway, so that's a good thing. My concerns with the budget referendum...and I agree with a lot of what Commissioner Boorman: said.. I don't have to repeat any of that, I do believe in representative democracy and I do agree that the last election showed that it works when people are mad enough that they will make the changes that need to be made. But in a more practical sense, and I know what it takes to do a budget, certainly you know Nancy (Bafundo), and you know Tony (Bonni) and Bob (Briggaman) probably follows it enough to know, and I've watched my wife do it for five years and it takes a lot of time and a lot of effort. The funny part about it is that most of that time and effort isn't on taxes, it's on expenditures and how you spend the money. We keep talking about limiting taxes and doing this and talking to people about how much their taxes are going to be raised, I think its just as important you get out there and tell them what the taxes are paying for and what they can lose from it. Frank Connolly said, I thought very well, he said its not a budget referendum – people don't come out and vote on the budget, people come out and vote on the tax rate, and that's what it is. Unfortunately, there's not always a connection between what the tax rate is and what the services are. As an example, I was on the South Windsor website and I noticed that they had a resident survey, and I thought this might be interesting; maybe they have a question about a referendum on it (comment not audible on the tape). They didn't have anything about a budget referendum but they did have two questions: the first question was "Are you satisfied with the services you've received in town?" They had a "yes" response by 75% of the people. The next question was "How much would you be willing to see your taxes go up to maintain those services?" 10% said 3% or more, 26% said 1-2%, 45% said 0%. Now to me that shows a little bit of disconnect between "I really like what I've got, but I'm unwilling to spend money for it". If a budget referendum is going to happen I think its more important...it's important certainly for people to know how much their money is going up but they are going to have to know what it is going to cost them to not have to spend as much. And as Commissioner Boorman: (Boorman) says, suppose they take away garbage collection? I know that when I first moved to Virginia I put my garbage on the curb the same time as everybody around me did and they never picked it up. I couldn't figure it out, but I had to go out and spend my own money for garbage collection. People have to know that yeah, I might save \$20.00 in taxes but I am going to have to spend \$60.00 on a garbage can. It is simple things like that that are probably more important than just the actual expenditures that you have. As far as understanding the budget, I am not going to say that our voters are not intelligent enough to understand it. I know for a fact that the amount of time to understand it I doubt I could put in, which is why I'm glad that I have people up there doing it for me, but even more importantly than taking the document and reading it, if you really want to know what's in the document you have the opportunity to ask questions to the people who put it together and that's what the Council can do but you can't have the individual taxpayer do that, there is no way they can get the information they might want. I think it's a good idea to get people more involved. One of the things I regret here is that we didn't have more of the public come out to talk to us. I was open to the idea of having another Public Hearing on this issue alone because it is so important and you know there are definitely two different sides on that. But generally speaking I know where we stand on this and I know that as we go through this we do have a proposal in front of us that we're going to have to go through. I have a lot of questions on it and things to look at, but in general I don't believe that this Town needs this. I think it works well under the Charter we have now and I'd like to say that I've always trusted my elected officials even when I didn't necessarily like them. I know that people out there have the same intent as to do a good job and to do what is best for the Town and there is nothing I hate to see worse than when we have people at Town meetings not criticizing the judgment that the Council made, but criticizing the Councilors. I think anybody that is up there has the right intent, and that's the way I believe when I vote for them that they are going to do the job

that I would like them to do, but again, if the party I don't vote for gets in I trust them that their intentions are the same and I may not agree with how they get there or what they want to do, but I can take care of that two years down the road. I don't believe that we need this budget referendum, I believe our Charter works fine, but we go from here.

Commissioner Bafundo: Any other comments? (none) Ok, now we've got the language that has been presented. Commissioner Boorman: Can I just ask? At this point if we could try to do one of those consensus things. It seems to me that we just need to hear from people as to whether we need to even pursue the language that's presented. In other words, are you going to support the budget referendum in the Charter or not, and if we get consensus on that issue we can decide where we are going. Commissioner Bafundo: Sure. That's fine. Commissioner Boni: I'm sorry, but I made a motion that has been seconded. We've discussed it to death. I believe in budget referendum, obviously, and I believe in the wording. I'd like to call for a vote. Commissioner Bafundo: Right, but we're having a discussion on that. Commissioner Boni: We're still discussing it? Commissioner Bafundo: We are. There actually were some questions, Tony (Boni), about that, that Myra (Cohen) raised in respect to time. Commissioner Boni: As far as tweaking it, the Town Council still has the right to tweak it. Commissioner Bafundo: understood, and actually... Commissioner Boorman: Actually, that's incorrect – the Town Council does not have the right to tweak it, so let's be clear about that. Commissioner Bafundo: Right, once we're done with it, once we have the final language... when we have our Public Hearing and we finalize it, it goes to them as it is and they either accept it or they reject it. If they reject it it comes back to us, but they can't reword it. Commissioner Briggaman: They can make suggestions. (Remainder of comment not audible on the tape due to several people speaking at once) Commissioner Bafundo: But then it comes back to us. Commissioner Boni: But then it goes back to them... (Several people speak at once). Commissioner Bafundo: And I'll be honest with you, while I have said that I support the budget referendum, there is language in the proposal that needs to be reworded. I can't support it as written right now, and I don't think even as we work through the Charter as we have the sections to work on... as we've said as we go through the meetings there may be language that we're going to go back to that we may have worked on from a previous meeting because we've made changes to that. It's not going to be final until its final, that's just the nature of it.

Commissioner Boorman: For purposes of the record, I would like to go on the record as saying that I am opposed to a budget referendum and I think that we don't need to discuss it anymore. I would like to just do the consensus thing from everybody else so that we know where we are going and if the consensus is such one way or the other we can proceed. Commissioner Nafis: I am opposed to the budget referendum. Commissioner Briggaman: I support the budget referendum as written here but I have some suggestions. Commissioner Boni: I agree with Bob (Briggaman). Commissioner Bafundo: I am in support of it. (Several people speak at once.) Commissioner Boorman: It is, so we can address the actual language that came before us at this point, is that right? Commissioner Bafundo: Yes. Commissioner Nafis: Now is this again part of the motion and part of the discussion on this motion? I just want to be clear.

Commissioner Bafundo: Now at your pleasure, would you like to proceed today on working on that language or Justin (Atty. Clark) do you need time to go back with the questions that were raised in respect to time frames? To be able to work on that? Atty. Clark: I can answer questions about timeframes. I can answer questions about the language. Commissioner Bafundo: If you don't mind that would be helpful. Atty. Clark: If there is something I don't know the answer to I can go back, does that make sense? Commissioner Bafundo: That'd be great. Do you want to do that now or do you want to defer that? Commissioner Briggaman: Right now we have a list of those suggestions – I didn't write down...in my notes from this evening, so we really should address some of those points. Atty. Clark: I noted a few of them. Commissioner Bafundo: And we have the tape, and we have Myra (Cohen), we always have Myra, thank goodness. Atty. Clark: Personally, I don't think this is Mrs. Cohen's comment, but with respect to absentee ballots, printing an absentee ballot...I spoke with people at the State Election Enforcement Commission regarding the timing for when you need to submit a ballot question. Now, they don't need any clearance on any election that does not select any candidates for office. So for instance, they don't need to clear a ballot question, a referendum question that is occurring on a day when no one is being elected to office. In going through the statutes that's pretty clear. Commissioner Bafundo: The question was probably more in response to returns. Atty. Clark: Correct. Because you can print them ahead of time because the question is written, it can be printed ahead of time and my understanding is that you have absentee ballots printed and available for people to vote at Town Hall or to go out to various senior centers and do those votes for a referendum – within two weeks, I was told. Commissioner Bafundo: And our notice on this? What's the availability time on this – on the first referendum? Atty. Clark: It's twenty-one calendar days after the

adoption of the budget by the Council. Commissioner Boorman: Tanya (Lane – Town Clerk) could we ask you, in terms of absentee ballots, which I know you have some experience with, to just give us a brief overview of how that works? Ms. Lane: As far as the referendum or the regular election? Commissioner Boorman: I'd like to hear about both, quite frankly, because I'm not quite sure why it would be different in terms of one or the other. I didn't realize there was a difference. Ms. Lane: The difference is the timeframe that you're working within to have enough turnaround time for the ballot to be mailed from my office to the voter and give the voter the opportunity to mail it back in a timely fashion. So, when you are talking about a regular election the absentee ballots become available thirty-one days before the election, and that's enough time for that process to take place. If you're talking about a referendum with less than three week notice – now you're talking twenty-one days so you are right at the three weeks here. Perhaps Arthur **Champagne** would have some input. That should be enough time for the process to happen through the mail. The concern, and Judy (Igielski) is right in expressing her concern, is that if it's less than that time frame they can still vote by absentee ballot but they have to come into the office to do it, so you can't mail the ballot to them, there's not enough time. Commissioner Boorman: Less than what time, the twenty-one days or the thirty-one days? Ms. Lane: Twenty-one days. Commissioner Boorman: So you're saying that twenty-one days, based on your experience, is an adequate time in which absentee ballots can be mailed out and returned and it meets, as far as you know, State requirements. Ms. Lane: As I said, the twenty-one days is right on that line, so I've not experienced... Commissioner Boorman: Twenty-two days... Ms. Lane: Twenty-two days you're fine. If it's less than twenty-one days then I don't know if you can mail them out. Commissioner Nafis: You're basically saying that the application would have to be in twenty-one days. Ms. Lane: They would have to come in and fill the application out in the office. Commissioner Nafis: They would have to assume a budget referendum, and fill it out ahead of time. I'm thinking about school people or kids in school or something. Commissioner Boorman: I'm sorry – I'm still not following that. Are you saying that there's no mailing? Ms. Lane: There would be. There would be mailing, yes. Commissioner Boorman: Ok, so based on your experience and State regulations as you know that if we did that at twenty-two days that we'd be fine and meet the criteria. Ms. Lane: Right. Commissioner Nafis: What if you got the application and there was only fifteen days left, would that be enough time to mail it out? Ms. Lane: We have to work with the Secretary of State and I think, and Justin (Clark) you may be more familiar with the particular statute, but I don't believe that is the proper time frame to get it back and forth through the mail. You can vote by absentee, and the reason for absentee is that you're out of Town on Election Day. So if you know you're out of Town you come into the office before you leave and you vote, but you can't...it's not going to make it, there is not enough time to get that through the mail. Commissioner Nafis: This is fine if you are in Town within that point. That's all I'm saying, you have students that are out of Town for long periods of time that might want to vote on this, and like I said, if they got their application in that twenty-one days ahead then that's plenty of time, if they got in eighteen days ahead that's really cutting it short. Ms. Lane: Right.

Commissioner Bafundo: Now, Justin (Clark), on a second referendum, do we still have the twenty-one days? Atty. Clark: Yes, I believe it was twenty-one for both of them. Commissioner Bafundo: Ok, if the first referendum fails, Judy (Igielski) then there would be a second referendum, and there would be a second referendum and I'm asking if there is still a twenty-one day push in between. Non-microphoned voice from the audience: What's the seven days? Atty. Clark: The seven days... Commissioner Bafundo: That's the Council turnaround. Atty. Clark: If the budget is rejected at referendum, the Town Council then has seven calendar days after the rejection to adopt the second budget ordinance and twenty-one days after the adoption of that would be the second referendum. Commissioner Boorman: I'd like to go back to the very first sentence of what's in the proposed section 821 where it says, "Twenty-one calendar days after the adoption of the budget as provided in Section 805 of this Charter", which means that the that the Council passes the budget, "The Budget Ordinance shall be submitted to the electors of the Town for approval." So we are hearing from Tanya (Lane) is that its twenty-one or twenty-two days is like the minimum in which you can actually do the mail out. Alan (Nafis) asked about fifteen – that's not enough time. So why are we limiting it to the twenty-one; why don't we extend it more so people can have more time? What I'm concerned about is if it's twenty-one days...that budget just gets passed, how is someone supposed to know what the budget says if they are out of Town? Atty. Clark: That's a fair point and that's a concern that should be discussed in terms of policy. The one thing to keep in mind is keeping the budget within the current calendar. I believe if you do the math if brings you to about June 14th if you've had two failures. Commissioner Bafundo: I believe this was all proposed to be contained within the current budget calendar so that it wouldn't exceed the July 1. Commissioner Boorman: I think it was too, and my concern is that if we're doing this we can't give up the fundamental aspects of voting. I mean, we can't give up what's necessary for people to be put on notice so that they know what the heck's going on. We can't put off to give them the appropriate amount of time to really address the issue about an absentee ballot, for example. So I would suggest that twenty-one calendar days, even if it pushes us back to some

degree, is not appropriate. I think we would need more time than that. Commissioner Bafundo: I wasn't part of drafting this thing, but I can best-guess that it was pushing it up too far, and might take away the opportunity to get estimates for the current year to be able to anticipate future year; that would be by guess that you want to have your best-guess when you go into the next year's budget. We try to hold off as long as we can which is why the March 15th....right Myra (Cohen)? Usually you don't get the budget too early because you are trying to get as much information as you can about the current year before you project out. So I would think that's why they were being careful and being conservative about the dates. That's my guess. Commissioner Boorman: Let's just go to section 805 for a minute.... Commissioner Bafundo: I mean, I would agree, if you could have a few extra weeks in there for cushion that would be optimal. Commissioner Boorman: We're not talking about getting rid of section 805, we're talking about leaving that in place unless there is something at the end that talks about some provisions towards the end, but the general way that we've done budgets all along, or the Council has done budgets at least is going to stay intact in section 805. So what we are talking about is they have the public hearings, they have their notice and all those things with perhaps some adjustment. We're not talking about hurrying them in what they need to do; instead what I'm saying is that after they are done doing what they need to do we need to give more than twenty-one days from the time they are done. Commissioner Bafundo: But you may need to move it up a little bit in order to give yourself time to be able to schedule. Commissioner Boorman: Move this up? Commissioner Bafundo: Right. No – move 805 up. Commissioner Boorman: So you were saying to move up the time for the Council to come up with their budget? Commissioner Bafundo: Right. Commissioner Nafis: That was going to be my question, to try to sit there and read all their numbers. They are not mandated to be done on March 15? (Several people speak at once.) Is it April 15? Mrs. Cohen, from the audience: Until we're done. (Several people speak at once) Commissioner Bafundo: They're backing into their current schedule; they're trying to get it done before the fiscal year is over so there is no impact. Commissioner Nafis: So, again, without doing all these numbers you must know that when you back in all of this makes it April 15...this being the existing Charter (Several people speak at once.) Commissioner Bafundo: That's why you have the dates the way they are. Commissioner Briggaman: What is the date of the proposed budget that the Council adopts? When is that date? (Several people speak at once) April 15th? Atty. Clark: Middle of April. It has to be around that time.

Commissioner Boorman: One of the things that I think would be significant would be to have our budget people, our Director of Finance here when we talk about this stuff, because I think we do need to know – we can't just guess and we can't just think that that's right and we need to have, I think, professional advice. If we are going to start tinkering with section 805 in terms of time that it takes the Council to do this, I think we need to know the implications from our professionals. Commissioner Bafundo: Or they can review the calendar. Commissioner Boorman: How about having them come here too, they can review the calendar and say, ok, if you are going to move as you are proposing that they may have to move this back, what does that mean for those professionals that you are talking about that educate our Town Council people on what is going into the budget and do that anticipation that you were talking about? Atty. Clark: Don't forget that this amendment brings you out to the middle of June so you do have some time to play with the end of June as well. Commissioner Boorman: You're saying the amendment that is proposed here? I'm willing to be educated if I'm wrong about that, but it simply seems to me that twenty-one days is not appropriate, it's not enough time. Atty. Clark: I'm just saying that if you want to add to the twenty-one days you can do it at the end of June as well. Commissioner Bafundo: And that's what I'm saying, if we know that it works; if we're open to it and we're concerned about being able to mail and being to able notify and that's our big concern, and if whether they are here or whether they've reviewed it and they assure us that the calendar will fit I'm fine either way. Commissioner Boorman: If that were the only question that we'd have for them tonight that would be fine but I don't know if we are going to be able to anticipate that there are going to be other things (comment not audible on tape) ...What about bumping back 805, what does that mean? What about leaving 805 as it is, and talk about the twenty-one days versus thirty days or whatever is appropriate and how does that add up and what does that mean at the end? Is this going to push us into a position where we of the Town of Newington do our budget early compared to other Towns, and is this going to push us into a later situation? If so, what kind of factors do we want to take into account? What are we going to give up? What's more important to us in terms of making sure we do it the right way? Commissioner Bafundo: John (Salomone) should be able to give us insight as to projecting the budget. Commissioner Boorman: I would be happy to have John (Salomone) here, but I think we should probably have our budget person here too. Ann Harter, I would ask that she come too. So, I think this is helpful; I don't know if anyone else disagrees but I think it's helpful for us to go through this and kind of see what we're doing. This allows us to decide who we need to come next time, allows Justin (Clark) to do, as he said earlier, do some additional research. So can we continue to do this? Does everyone agree that this is workable? Commissioner Bafundo: That's fine.

Commissioner Nafis: I just have some basic questions, so if you can help answer them because you helped write this... Atty. Clark: Sure. Commissioner Nafis: I love the mystery of "three"... but is there a practical reason why it is three and not two or not four? Again, this is just for curiosity's sake more than anything else, but why is it three, the number that has been thrown out here for the last year? Atty. Clark: Just as a general disclosure, I did the drafting here and a lot of the specific numbers didn't come from me... Commissioner Boorman: Let me just interrupt you there for a minute. I believe you answer there was appropriate because you're not here to talk in terms of what your beliefs are and what your policy recommendations are, you're here to talk in terms of the structure of this and I think the question is better addressed towards us. The Mayor is not here tonight, and maybe he'll be here the next meeting.... Commissioner Boni: If I may, one of the factors that I've considered in arriving at three percent is that if you go back the last ten or twelve years, the average rate of inflation actually comes out to 2.9%, so that's one of the important factors. If the cost of living goes up three percent then I think that's a good figure to use. Commissioner Briggaman: Actually, if you go back twenty years, the CPI is 2.99%. Commissioner Nafis: So basically what you're saying is you're setting this up so that it takes into account inflation rates but doesn't take into account anything else that might have to happen... Commissioner Briggaman: Well, I didn't set this up, but I'm assuming that's where the three percent came from. My research, going back through statistics, shows that the rate of inflation over twenty years... is also three percent or 2.99%. Commissioner Boorman: So I have to ask, why is that important to what we are doing? I know we've probably heard some speakers on public TV who have spoken as to CPI and how that it not really relevant at all to what happens in a town budget and is not relevant to what a town does. It doesn't take in to account gasoline prices. It does take into account food prices, which has nothing to do with what we do generally so why would we go to an index like that that doesn't really apply to what we do? Commissioner Briggaman: In this case I'm not sure, the three percent, what it was based on I'm not sure. There are different CPIs and you have to go to the Bureau of Labor and Statistics to look at them. I was just referring to the CPI-W which is based upon wage earnings and so forth. Commissioner Bafundo: It does relate back to cost of living, which is in respect to how individuals can afford to pay their bills and in respect to cost of living and how they can afford to stay in Town. It does tie in with that. We can also inquire to the author as to how that number was included. Commissioner Briggaman: The CPI-W is actually what the Social Security Administration uses for Social Security increases. Commissioner Nafis: Again, my only concern with that is if you keep the three percent at the inflation rate, basically what you are doing is covering your costs from last year with nothing additional put in for any reason without the referendum. Commissioner Briggaman: You're not limiting, necessarily to three percent, the budget can come out five or six percent and if the people vote for it than the budget is five or six percent. Commissioner Nafis: I understand that. My other question, I know in the revaluation years we go to expenditures of three percent. As I said before, expenditures tend to actually drive what your tax rate is going to be. Was there any thought to this three percent cap on expenditures that they used? Atty. Clark: I think I can answer that. Part of the way the revaluation year works... Newington general statutes and the way they just amended it... basically you have about a five year period when you can do a revaluation, and in a revaluation year your grand list could grow exponentially and tax rates could actually come down. So this is kind of an intent to keep a check on that during a revaluation year or a phase-in revaluation year that will let you phase it in over a certain number of years. So if you didn't have that provision in there it seems like it could be an easy way to bypass this, by either phasing in a revaluation over a certain number of years where you're seeing a decrease in your mill rate but you can still see an increase in your actual taxes paid of more than three percent. So that's where that came from. Commissioner Nafis: I know why it's used in the revaluation year; I was wondering why it was considered to be used instead of the three percent tax. Atty. Clark: I can't speak to that... Commissioner Nafis: Again, it was just a question, I was wondering if anyone had an answer.

Commissioner Boorman: There was the mention by Bob (Briggaman) that said of course, this mandatory referendum language does not prevent a five or six percent increase in a given year as long as people vote for it. I'd like to know, Bob, your feelings about the historical turnout about referendums and are you concerned at all that smaller groups of people can really manage what goes on in terms of a budget referendum? Commissioner Briggaman: I don't know; the Town of Newington hasn't had budget referendums. I know historically from a standpoint.... Commissioner Boorman: Of course the Town of Newington hasn't had it but in terms of the idea of a budget referendum, a small amount of people turning out to vote for that... (Comment lost due to tape switch.) Look at other towns that have budget referendums – the turnouts are on the small side. Commissioner Briggaman: But those are the people who are coming out and those are the people who have the interest in the budget operation. So, yeah, if only two people showed up it would be a concern. Commissioner Boorman: Doesn't that number become relative? What if two-hundred people show up, is that enough? You have 17,000 registered voters and two-hundred show up and you have a small group of people

who may or may not have an agenda and they dictate what's going on. That doesn't concern you or scare you to some degree as to what the outcome of this is going to be? Commissioner Briggaman: So you're inferring that we should have some type of a limit, or a minimum turnout? Commissioner Boorman: I do. I think there has to be a minimum turnout otherwise... I think the budget referendum should not be effective unless there is a minimum turnout. I mean, again, going back to the framers of our current Charter there is language that talks in terms of referendum and initiative for other issues, not budget issues, and there are minimum numbers there. I think the policy issue that we are talking about, the purpose of trying to make this meaningful, trying to make this fair, trying to make this democratic, trying to get participation – well if we have a small number of people turn out for a budget referendum it seems to me it flies in the face of that. It is not democratic if you have a very small group that's running your budget and a small group of voters that turn out and vote. If we can't motivate the voters to come out does that mean we should punish the voters in terms of letting this other group dictate what is going to go on in Town? I mean, I am kind of throwing this stuff up against the wall, I don't have answers to all of this stuff, and I just have a real concern that if we don't have some kind of minimum participation rate then what is the point? Commissioner Bafundo: Do we do that with Election Day then, with our normal municipal? Commissioner Boorman: We don't; I think it's a good point but we don't and I think that the participation we have on our local, state and federal elections quite frankly is not appropriate – it's not high enough. But, it's not as low as is it typically is across the board for referendum questions, especially if it shows up on its own without any election going on. Commissioner Bafundo: We haven't seen that yet though, and we have seen towns that have a very good turn out on budget referendums. Commissioner Boorman: And I agree with that, so why not reward that by putting in that minimum of participation, and if indeed there is good turnout it makes sense to me that it is more democratic. If you can't meet that minimum threshold and there is no interest in people coming out and participating then what is the point? Commissioner Bafundo: It's something for us to talk about. People can also say that a low turnout to a referendum means that people were happy with it too, you can read into it in different ways so I'm not disagreeing with you, I think it's just something that we do need to discuss. Commissioner Boorman: The only part with this language though, is that you can't say that people are happy with it if they don't turn out because that means that means that if a small group of people comes in and turns it down, well the people that were happy with it were not represented. Commissioner Bafundo: But you can't say they weren't voting because they didn't know about it either. Commissioner Boorman: We're not talking about them not knowing about it, we're talking about whether they're happy with it. Commissioner Bafundo: But it's hard to say why individuals do or do not vote. Commissioner Boorman: I agree. Commissioner Bafundo: They have an opportunity to vote, it's their right to vote - whether they do it or not it's their right. Commissioner Boorman: So I think your initial statement was correct, that the tendency of voters, if they're happy with something and they don't have an issue, they may not turn out to vote. And so if that's the case though, under this set of wording it doesn't work that way because the people that are unhappy turnout, even though they're in the minority they are going to win. Commissioner Nafis: I agree with Commissioner Boorman: on the numbers, what I have seen has had a very low turnout. I would like to think that Newington would be better but who knows. The concern of "special interest groups", I think Tom Ganley said as well last time, you can't think of special interest groups as being evil -- your soccer moms, your football dads, your educational people, your tax groups and what have you. By allowing a small number to dictate, any one of those groups could take over just by getting the right momentum and that's why I think having a number for a minimum turnout to make it a valid referendum is probably a good idea. I think I said it when the Mayor was here, it's nice to have a thousand people voting rather than nine, but I'd rather have nine who have had the time and have put the time and the energy into understanding it completely, not just what the taxes are doing but again what the spending is doing. So I wouldn't mind seeing a minimum number and I don't know where it would show up. Commissioner Bafundo: I'm kind of confused, West Hartford had a huge turnout and has had huge turnouts, so that's a town nearby that has larger turnouts and I am a little confused because if you were informed voters come out you have a better base than having to hit a minimum... Commissioner Boorman: But again, if you do have that large turnout then there's no problem with having a basement or floor, right? But if you don't have that large turnout, which as Alan (Nafis) has pointed out, I think all of us have read those articles -- the Hartford Courant articles, for example say that turnout for referendums is abysmally low, generally. Now every once in awhile something catches fire like in West Hartford and you do get people that come out to vote and that's great, but when they don't then I don't see how you can allow this very small group to kind of dictate what is going to happen for something as important as the budget. Commissioner Bafundo: I'm going to hold judgment on the Hartford Courant, not to put the Hartford Courant down but there is other research out there that uses different databases. Okay - other discussion on the budget referendum?

Commissioner Nafis: In section C, it talks about putting out this mailer to each property owner, not necessarily each voter, so hopefully that will change. Given that the real dollar values, again I go back and I hate to keep

beating the same old drum, but shouldn't we tell them at some point in time that if you get a three-percent, what you lose and what spending is going away? To me, how you're spending the money is more important than how we are collecting it because you waste it when you spend it you don't waste it when you collect it. I think it will be good for the voters to know how the money is getting spent and that way they can make the decision about whether it's being spent wisely or not. Just to say "I don't like this particular number or I don't like this tax increase" without knowing what they're going to lose if the tax goes down or what they may not have buy with what they're getting in front of them now, I just don't think it's a very good idea. I think we're right back to, again, what Frank Connelly said... Commissioner Boorman: so what would you propose the terms... (Several people speak at once.) It becomes a difficult notion whether to decide to put in a notice because you wouldn't know (several people speak at once.) Commissioner Nafis: Yeah, to a certain degree if you're putting this thing out I can't imagine you'd put it out without having some idea that if you're going down to 3% what you are going to take out because, again, seven days is not a long time to make those decisions. But the second time around, if I read this correctly, if the substitute budget arguments go out I don't even think they sent out a notice about what the dollar amount is or anything else, it says nothing. To me, at that point if you're going to come back and say- okay, we're revising the budget; the people who are voting on it should certainly know... if you can't do it upfront to tell them what they might lose by going down to 3%, I think at this point they certainly ought to be made aware of it. I don't know if it does any good at that point because maybe you want to vote against it because it's too low -- I don't know. That's just my concern; maybe that's just my point of view. I don't always look at what my taxes are, I look at the services I get and I'd like to know - if I'm going to save \$20 what am I going to spend on additional services, whether it be user fees, or if I have to find someone to take the leaves away. I'd like to know what that is. I think it's important. Commissioner Boorman: So Alan, what I hear you saying then is that maybe some kind of proposition that says: okay, after the first vote is turned down, maybe it's up to the Council to send out another mailing to reflect that they are going to cut, and what they are going to cut, and what effect it will have on the spending. And that goes out to every voter? Commissioner Nafis: Yeah, same as the first notice went out. And again, this one here it doesn't even..., if I read correctly, they are not even sending a notice out to say what the new tax rate is. If it goes down from 4.5% to 3.5% nothing is coming out to say that it's 3.5%, so you're not getting another notice. For me -- this would be the time to say, okay, we cut your taxes down and this is what we had to cut out to do it. Commissioner Boni: well, you're assuming that you're cutting something else and maybe you are not cutting something out. Commissioner Nafis: Well why would you tax me for more money than you have to take for expenditures? I don't understand that. There is a budget, you're spending so much money and you're taxing so much money, if you tax the less you have to spend less. Commissioner Boni: If they are really interested, if that gets their interest and then they can't come to the meetings and they can get a copy of the budget... Commissioner Boorman: I thought we were trying to make it easy on the public to understand... Commissioner Boni: Well I don't think that's making it easy if you want to send out a list of what you're going to cut or what you might cut. I don't think it's easy to assemble. Commissioner Nafis: I'm not saying it's easy to assemble; but the people that are assembling it aren't necessarily the ones voting on it. The voter wants to know what's happening; the voter wants to know what he's voting on. This may be why you don't see public participation in these things because the information isn't there for them. Commissioner Boorman: I thought the idea was to make this more democratic. Your argument, the only argument, is that it makes it more democratic and now you are talking about "were taking too long to talk about this, we don't need to let the people really know what is going on". I don't understand... (Several people speak at once.) Commissioner Bafundo: I need to just interrupt here. I don't think that anybody said that this is taking too long. I think the discussion here or the question is about the notification and how it's drafted and how it goes up, correct? Commissioner Boni yes. Commissioner Bafundo: fine, let's stick to that. Commissioner Nafis: Keep in mind, (comments not clear on the tape) if you ask me to vote on something like that, that's what I want to know. Commissioner Bafundo: Let's think about this. You're on the Council, you've a proposed a budget and it falls a referendum so obviously your work is going to be trying to determine where that budget is going and how. You would think there is going to be discussions about what is going to happen, right? And the question is the communication of since that budget failed what does that mean for the next budget: what's going to have to be cut, what's going to be done in order to meet it? The question is how to best communicate that to the public so that they can make the determination of whether or not they want to support that. I think a concern than I would have is that any communication coming out of the Town... you don't want to appear that you are lobbying them in any way, for or against. You can do that very easily, so I would be very cautious about how you proceed with that. Commissioner Boorman: I could tell you there are state laws on referendum that don't allow towns do that, however they can come out with neutral statements. Commissioner Bafundo: Right, but that's what I'm trying to get at. I know that even with proposed budgets many times you'll get a manager's summary or a very general summary about what this budget means, general programs and things, and maybe that's what will be provided. Commissioner Boorman: for example, go back to the referendum that we had for

Indian Hill. There was a brochure that went out and that' brochure was approved by electors that seemed to be neutral and did not seem to advocate one way or the other so I think you could probably do the same thing with this. Commissioner Briggaman: when the Town Council now is proposing a budget they're going through a process and they're cutting items out of that budget, and then they come out with a budget that's a final budget. They don't send out to the people what they cut from the budget. Commissioner Boorman: that's correct -- they have public hearings. Commissioner Briggaman: they have public hearings. The same thing will occur in this situation where if the budget goes back to the Town Council it is open for public discussion. Commissioner Nafis: the why do we send out the first one? I don't understand the whole process. You send out information to the taxpayers saying that you're taxes are going up, which is basically saying, "come out and vote against it" without giving any information... and its public information, I don't know about all this sending it out and all of the election laws, but it's public information and its there for anybody who wants to have it. I mean, if your concern is that after the vote on it... and again I don't even know if seven days enough for the council to do that... but after they comeback with this substitute budget then there's no need to tell the people what it is or what the differences are - just tell them to come out and vote. I don't understand that. But, if your point of view is they can't just watch the meetings and learn, then why send out the first one? Why spend any money? Attorney Clark: if I may, about the provision in the first one... the first one does contain information specific to certain property owners that doesn't necessarily come out in a public hearing, so knowing what you're actual tax dollar is, I don't know if you've ever tried to calculate the mill rate on your house, it took me a couple of times to get the right number, so that might be the difference that we're looking at here. Commissioner Boorman: So, for policy purposes we're saying we're going to do it for the first time, why would we not do it a second time when we come up with a brand-new number? Commissioner Nafis: Plus you are sending these out to the property owners, not the voters. Commissioner Bafundo: That's true. So that would be a question for next time for clarification -- property owners versus voters. Attorney Clark: Any proposals as to what a voter who is not a property owner would get in respect to this notice? Commissioner Boorman: The voter would have to get some kind of notice... Attorney Clark: Just from a drafting perspective I wanted to know. (Several people spoke at once.) If they don't have any property they are paying zero. Commissioner Nafis: When they rent they are paying money, their rent will go up if the taxes go up and what if they have cars? Rent is affected by taxes as well so why wouldn't you want the voter to have that information? Attorney Clark: In terms of the mechanics that might be difficult for the assessor to come up with. Commissioner Nafis: I wouldn't even suggest that, I would suggest that you just tell them what the new mill rate is going to be, but they are the ones who are going to vote on this.

Commissioner Nafis: This is under Section "E" - "The general form of question placed on the voting tabulators...be approved? Yes - No." I saw on one town's budget referendum, in which four hundred people showed up to vote, they had three questions: I approve the budget, I am a against the budget - it's too high, or I am against the budget -- it's too low. That might solve the problem of knowing which way to go to make people happy. I've only seen it on one town's budget. Commissioner Boorman: I forgot the name of the town, but there was one of those out there and essentially what they do in that situation is the "yes" votes are the "yes" votes, but you have two chances to check a "no" vote and the two "no" votes are combined together and they also give the information back to the council about why they voted the way they did.

Commissioner Boorman: Myra (Cohen) actually spoke about it as one of her points, she mentioned, and I forgot the words she used, something like the whole line of seven calendar days before the Council has to come back and propose a budget the second time around ... I would like to hear from those that know what they are talking about if seven days makes any sense. Mrs. Cohen (from the audience): No. Commissioner Bafundo: but there probably should be a final date to set the budget by, I think that there has to be a limit, and I think there was an intent to have a limit: by the beginning of the new fiscal year. Attorney Clark: based on the calendar in 805, and then adding these dates in, it will always be done by the end of that... Commissioner Bafundo: I don't believe, and I wouldn't support a budget referendum that extended it into the next fiscal year because that jeopardizes your bond rating, your financial status, you're attractiveness to employees.... Commissioner Boorman: so are you saying then that we are going to ask Justin (Clark) to draft some language in addition to this at will address the issue of if we don't have a budget by "such and such" a date, then "this" will happen? Something to do with last year's budget... Commissioner Bafundo: and close it at the end.... Commissioner Boorman: Well just to say that we'll be done with it.... Commissioner Bafundo: Right, it says "the final budget ordinance shall ____" Oh, it does, it says "upon the commencement of the ensuing fiscal year." It does actually, it's there. Commissioner Nafis: It says that, but you have to make sure that the process is done. Commissioner Bafundo: But you do want that additional language. Commissioner Boorman: Justin (Clark) are you following this? Atty. Clark: Yes. Commissioner Boorman: What we are talking about is language that will say that if for some reason we get to

the end of the fiscal year and we don't have a budget for whatever reason, we need something that will tell us how the Town is going to operate. There are, under current stuff that we have in our packages, proposals... Atty. Clark: I'll get some options for you.

Commissioner Briggaman: Justin (Clark), while you're making changes, at the last meeting I had mentioned highlighting the bold type in section "D". Part of it is in bold type and the substitute lines should be in bold type also. There's two areas there and throughout the document should refer to Connecticut general statutes to keep in line with the rest of the Charter. Atty. Clark: Absolutely.

Commissioner Boorman: If I could, I have a couple of other questions that I just came across after I read this through. Can we discuss, or at least bring to the table the possibility that if there was a supermajority passed by the Council then we could avoid the referendum all together? So in other words, that necessarily indicates that we would have to have, maybe not in every instance but in many instances, that you'd have to have people coming across the aisle that would support that budget and in that instance we could avoid the referendum all together because you had a supermajority of the Council that agreed. The reason that I proposed that is because what it does is cut across political lines, certainly, but it also shows that those people that, again, have been educated, have been instructed about what is going on in Town as to expenditures and everything else and if they feel strongly enough that they need to do what they're doing and you have that supermajority, do we need to put it to the voters at that point? Commissioner Boni: Then you are going right back to where we were before. A supermajority can vote on a budget, and it would never get to the people to vote on it. Commissioner Boorman: That's exactly right; it would not go to the people... Commissioner Boni: That hasn't worked in the past fifteen years. Commissioner Boorman: That would be your opinion; those of us sitting over here would say it has worked, it has worked. That's the point. Commissioner Bafundo: There is a difference of opinions, ok. Commissioner Boni: I would disagree with that option.

Commissioner Nafis: I have one more that I was looking at here, under section "J" it looks like you give the Town Council an out here, if they don't want to finish their work in seven days, you just vote it at three percent. "If the Council fails to adopt the Substitute Budget Ordinance within seven days..." then they go right back to the three-percent so they have kind of an out for whatever reason. I don't know what reason why they wouldn't finish in seven days, maybe there is too much to do or maybe someone wants to keep it going for whatever reason. Is that a good thing? Commissioner Bafundo: Well, that's an opinion, and Justin (Clark), I'll bet you can't answer that opinion, but was it worded that way...? Atty. Clark: I think the idea was to word it that way to ensure that it would be passed within the seven days. Commissioner Nafis: I think it's worded in such a way that you give them an out if they can't. If they don't want to make any hard decisions or any decisions whatsoever they just sit back and after seven days you're at three-percent. Atty. Clark: I suppose, but that would presume that they could get to the three-percent without any problems. Do you know what I mean? Commissioner Nafis: Yeah, I understand that they may need more, but what I am saying is that it kind of makes it easy on them and they don't have to think about it. Commissioner Bafundo: Maybe it's one of those emergency things where if for whatever reason they couldn't convene or couldn't meet then the Town wouldn't go without a budget. Commissioner Nafis: If it's an emergency thing then you should give them some time in here to do what they have to do. Commissioner Boorman: I think we are going to hear from at least one Town Councilor on what she thinks about seven days being appropriate, and I would encourage all the Town Councilors to come and speak to us about this because seven days to me sounds impossible, but I don't sit on the Town Council. I worked for them for ten years, but I don't think seven days makes sense to me. I don't want to speak for them, I'd rather hear from those who have gone through it. Commissioner Bafundo: They're all on the mailing list. Ok, anything else on this?

Commissioner Briggaman: There's new timelines in here (comment not clear on the tape) ...June 15th?

Commissioner Bafundo: We're going to get that clarified. We're asking, and I want to clarify... Tanya (Lane), we are going to ask for Ann Harter or anyone else from budget and John (Salomone) to make sure that our budget timeline and anything else in respect to setting the budget as it relates to 805 and the schedule to 821 will put us within the current timeline, and if we did move it up how it would relate in respect to setting a budget and being able to project out so that we could extend the twenty-one days to twenty-eight days if we wanted to give us extra time for mailing. Am I correct? Commissioner Boorman: Invite them to come next time if you could. Before we're done, could you remind us that we need to speak about next time in terms of vacation schedules too, before we're done tonight? Commissioner Bafundo: Ok. Anything else on budget referendum?

Commissioner Nafis: We still have a motion on the floor... Commissioner Bafundo: We did a consensus. Commissioner Nafis: Was that back before the motion? Commissioner Bafundo: Yes. Commissioner Boorman: Wait a minute... Commissioner Bafundo: We had a motion on the language and we did a consensus in respect to the budget referendum. Commissioner Boorman: Right, and we have a motion that sits on the floor relative to this exact language, and I would respectfully ask the mover to table it until we've had further opportunity to discuss it. Commissioner Bafundo: It's up to you, Tony (Boni). Commissioner Boni: No. Commissioner Bafundo: You don't want to table it? Commissioner Boni: No.

Commissioner Bafundo: All in favor of the motion to accept the language as it was proposed? Commissioner Nafis: Just one more question... just to remember to what the motion was; it was to accept this as it was proposed? Commissioner Boorman: As it was exactly written. Commissioner Boni: To be submitted. Commissioner Bafundo: All in favor? Commissioner Boni: (voted in favor). Commissioner Briggaman: Let me clarify something here: we just asked Justin (Clark) to make changes to the language. What is this motion going to do to what we just asked Justin (Clark) about? Commissioner Boorman: Well If I can speak to that, what we've asked the mover of the motion to do is in deference to the fact that we've had a multitude of questions here tonight, a multitude of tasks that we've asked Justin (Clark) to do, the fact that we are inviting more people to come to speak to us so we know what the heck we are doing here. The mover has decided he is not going to do that, so he has the right to decide to make the motion come through the Chair to a vote. If we vote in favor of that motion, then this language is what we are talking about in terms of what will be our language up until this point, because we have the chance to change it later, but up to this point that will be it. If we vote no to that, that means that we will continue on with what we just discussed we are going to do: bring these other people in, have Justin (Clark) make those changes, and continue to discuss the language. It doesn't mean that things are over, it means that someone else sometime later will make a motion – it may be the exact same motion, it could be a motion with the adjusted language that comes in... we're not done with this by any means. Commissioner Bafundo: By consensus, we voted 3-2 in support of budget referendum language already. Commissioner Boorman: Not language, but the notion of a budget referendum. Commissioner Bafundo: Right, not this language. Commissioner Boorman: If you are asking: does it affect whether we are going to have a budget referendum then the answer is "no"; we can come back and make a motion the next time. Commissioner Bafundo: I may be totally out of whack on this, but my perception of this is that when I vote "no" for this language its not that I am voting no for this language its that I am voting no for the way its written right now, because there is other language, there's questions, there's some modifications and things that I want to see addressed before I'll support it. Its not that I'm opposed to this language, it's that I am opposed to the way it's written right now. Commissioner Boorman: I would agree with that assessment. Commissioner Bafundo: If I voted yes, and I could vote yes too to be perfectly honest with you, and at the next meeting we would take it up again and we would modify it. I don't think this vote has any weight, to be perfectly honest with you. True? Commissioner Boorman: But if he is going to insist on it being voted on, then I think we have to vote on it. Commissioner Bafundo: Justin (Clark), a ruling on this as far as the way that the vote...I'm really perplexed by this; does this vote really mean anything? Atty. Clark: Every vote means something. Commissioner Bafundo: Right, but we've asked questions about this, we've directed communications back about it, so the fact that we've opened this up, voting on it right now, does it really make any sense? Atty. Clark: Does it make sense to vote on it? Commissioner Bafundo: Right, on something that we've asked you to come back to us with some clarifications and rewording. I would respectfully ask that we table this, Tony (Boni). Commissioner Boni: Table the motion? Commissioner Bafundo: Yes. Commissioner Boni: All right. Commissioner Boorman: The seconder? Commissioner Briggaman: I agree with that. Commissioner Boorman: My consensus is to table. Commissioner Bafundo: We'll table this until the next meeting - that makes a lot more sense at this time.

(The Commission took a brief break)

NOTE: End of verbatim minutes. Verbatim comments indicated by *italics* from this point forward.

B Discussion of Proposed Language for Charter Revision: Re: Sections 101-103 of the Charter or other sections of the Charter as time allows

Commissioner Bafundo indicated that the Commission has a whole compilation of recommended changes put together by Atty. Clark and that the Commissioners have their own notes and notes from the public hearing. She stated that there were some comments that didn't get picked up in Atty. Clark's list and noted that the

Commission probably has some of its own. She suggested that the Commission start in the beginning, Section 101, and take it section by section.

Section 101 - Incorporation

Commissioner Bafundo inquired whether any Commissioners had any questions or thoughts regarding section 101. (none)

Section 102 - Rights and Obligations

Commissioner Briggaman noted that on his copy of the Charter, the fifth line down it says "debtor lien" (? Unsure of actual reference on tape) but it should say "debt or lien". Commissioners Bafundo and Boorman indicated that their copies say "debt or lean". Commissioner Briggaman commented that the Commission should have one good copy without the grammatical errors. He stated that he got his copy from Atty. Clark via email. Commissioner Bafundo gave Commissioner Briggaman an extra copy, which was actually copied out of the book. Ms. Lane stated that she had called the vendor, and the vendor indicated that they could fix it without a problem. Commissioner Bafundo inquired whether the Commissioners are all going off of the versions that are marked "6-15-2007" in the bottom right hand corner. The Commissioners answered in the affirmative. Commissioner Bafundo inquired whether there is any other discussion regarding section 102. (none)

Section 103 - General grant of powers. [Amended effective 1-1-1992]

Commissioner Bafundo inquired whether any Commissioners had any questions or thoughts regarding section 103. (none)

Section 201 - Regular town elections. [Amended effective 1-1-1992]

Commissioner Bafundo inquired whether any Commissioners had any questions or thoughts regarding section 201. Commissioner Boorman noted the second sentence of Section 201 which states, "All officials duly elected at such regular town elections, upon qualification" and noted that the phrase "upon qualification" has independent legal significance and pointed out that such language should be included as the Commission discusses sections regarding boards and commissions. He noted that the Town currently operates that way, but the current language is not as clear for boards and commissions as it is for elected officials. He stated that the language is already there for elected officials and indicated that it should also be included in language for boards and commissions. Commissioner Bafundo inquired whether "upon qualification" would have the same definition. Commissioner Boorman replied in the affirmative and explained that when one is elected, one is not necessarily qualified. He stated that one could be elected or appointed to a commission and not necessarily be qualified and so what the Town has currently is de facto members that serve and essentially what happens is that the de facto person holds over until the time that the appointment is filled. He noted that the reason this is done is that historically the Town has had trouble with getting people from the Democratic or Republican Parties to fill a spot on a commission after a member leaves. He noted that you could have important meetings that wouldn't have a quorum; the de facto system was created as a result which states that even though a member has resigned the member can continue to sit until the position has been appointed and the appointee has been qualified, qualified meaning that the person has gone to the Town Clerk's office and signed the papers needed to be on the committee, be sworn in, etc. Commissioner Boorman stated that it is a positive thing because it keeps the government moving rather than stopping due to lack of quorums. Commissioner Bafundo inquired where "upon qualification" would be defined. Commissioner Boorman replied that it is not defined in the Charter itself; rather it is defined under Connecticut law – case law as well as statutes. Commissioner Briggaman requested an example of when an elected official would not be qualified, even if they went to the Town Hall to be sworn in. Commissioner Boorman replied that he could not give another example and stated that if the person meets the criteria under the election it means they are elected, but they have to go to the Town Clerk's office to get the oath. He stated that if the person delays that, for example if he falls ill and is out for six months, and he doesn't get qualified then the question comes up of what is done with that spot. He stated that under the current language someone could claim that "I am out on this election, but I can continue to sit because this person's not qualified". He stated that to his knowledge that has never happened on the Town Council or the Board of Education but it has happened on many occasions on various commissions, committees and boards that are less than the Town Council or the Board of Education in *terms of elected officials*. He noted that it has happened on more than one occasion that the TPZ and the ZBA have not been able to meet a quorum and therefore cannot conduct business, and it has happened on other commissions as well.

Section 202 - Elected officials. [Amended effective 1-1-1992]

Commissioner Nafis noted that it was brought up at the Public Hearing and beyond, the idea of an elected Planning and Zoning Commission, and also the idea of electing officials by district. He remarked that he is not advocating these, he is pointing out that these were brought to the Commission by members of the public, therefore the Commission has the responsibility to address the items. Commissioner Briggaman noted that a number of people brought up that only one candidate is not elected, and these people wondered if it is really an election or is it an appointment by a Town Committee. Commissioner Briggaman remarked that he kind of goes along with that opinion. Commissioner Boorman stated that it is an interesting concept, as the numbers certainly bear that out on the first glance, but he inquired whether there can be enough candidates *on par of like the Town Council*. He noted that the parties have historically said that they would have trouble doing that. Commissioner Briggaman gave an example of the Democrats and Republicans each putting up five candidates and *half of my vote-getters are seated on the Council. Lets say the parties each put up one additional candidate- put up six each, I don't know if that would be a burden, finding once more candidate, but at least you are giving the public a bigger choice and you would seat nine out of the twelve*. Commissioner Boorman noted that there is nothing in the current language that prevents that from happening. Commissioner Briggaman stated that he does not even see numbers in the language. Commissioner Boorman commented that as he understands it, it has been a gentlemen's agreement for many years that both parties would put up five candidates each. Ms. Lane stated that she had called the Secretary of State's office, and stated that a party cannot nominate more candidates than it can seat - so in a nine-member board the minority representation is 6-3 so a party could conceivably come up with six candidates. Commissioner Boorman agreed. Commissioner Nafis noted language that states, "The number of members of the Board of Ed and the Board of Fire Commissioners shall be determined by provisions of this Charter and the Connecticut general statutes." Commissioner Boorman stated that the statutes trump the Charter. He stated that minority representation would prevent a party from running a whole slew of candidates. Commissioner Briggaman stated that he is not proposing that, but indicated that six would be a great number. Atty. Clark alluded to the fact that it has been a gentleman's agreement and noted that it may not be in a party's best interest to offer six candidates because the votes can potentially be diluted among the six candidates. Commissioner Boorman remarked that as he understands the Newington Board of Education has always been thought of as being a non-partisan operating Board, as many of the boards are, and it wasn't as much as an issue between Republican and Democrat. He noted that that one would still hear Board of Education members say now that party affiliations are left at the door and we the Board does what is best for the Town of Newington. He again noted that there is nothing in the current language that would prevent a sixth candidate from running. Commissioner Nafis inquired about what the State statute says. Commissioner Boorman replied that it indicates that there is minority representation, which would limit the number of people that can run. He stated that the language can be spelled out in the Charter to address the issue, and requested to see proposed language and language comparisons to other towns.

Commissioner Bafundo noted that the first paragraph of the sections lists the various elected officials: the mayor, eight Councilors, two Constables, a Board of Education and a Board of Fire Commissioners. She noted that the discussion was to talk about having an elected TPZ, and inquired as to whether any of the Commissioners have an interest in perusing the topic. The Commissioners all answered in the negative. Commissioner Nafis noted that he works with planning and zoning commissions in a number of towns, some elected and some appointed, and remarked that he has found that the appointed groups keep politics out of it more than the elected groups. He stated that a lot of things come into play during an election and he remarked that everyone knows how powerful a planning and zoning commission is and stated that he is not in favor of going to an elected board for that reason. Commissioner Bafundo confirmed that none of the Commissioners have identified an interest in pursuing an elected TPZ. The Commission agreed by consensus.

Commissioner Bafundo inquired about the suggestion of district representation. Commissioner Boorman stated that district representation gets tricky from a legal perspective, and may also run into a Constitutional problem with *one person-one vote* if the voting districts are not adjusted as people move in and out of the districts over the years. He noted that voting districts would require diligence on the part of the Town Council to make sure that the voting districts represent the Town. Commissioner Bafundo stated that she does not believe that anyone *has represented any district that is any different or grossly different than any other district that requires its own representation and I don't see a need to pursue that at this point*. Commissioner Nafis agreed and elaborated that he does not feel that Newington needs to be separated in that manner at all and noted that the Councilors represent the entire Town. He also noted that the Town's current districts are quite disproportionate in numbers so the Town would have to be redistricted. He stated that Newington doesn't need district representation. Commissioner Boorman noted that one speaker somehow thought that was the case in

Newington, but noted that he has never heard anyone else say that. He commented that he would not support district representation.

Commissioner Bafundo stated that in paragraph A – Board of Education there was one comment in respect to increasing the number of candidates to six. She also noted a comment made by Mrs. Cohen in respect to current language that states, “it shall have the power to appoint and remove its nonprofessional employees” and noted that the question that came up was, what about *professional* employees? Commissioner Bafundo stated that she needs to understand why it was broken out as *nonprofessional*. Commissioner Nafis noted that there is no definition of nonprofessional versus professional. Commissioner Boorman noted that Article 9 of the Charter contains provisions for personnel, merit systems and classified service. He requested the opinions of people in that situation and the people who deal with it such as the Town Manager and/or the Superintendent of Schools. Commissioner Bafundo stated that there has to be a reason for the word “nonprofessional”. Mrs. Cohen, from the audience, stated that she does not believe *they have any control over any employees except the Superintendent*. Commissioner Boorman stated that he is unsure if that is correct, noting that he believes that bus drivers, for example, are handled by the Board of Education. Mrs. Cohen inquired whether the Board could fire them (exact wording of the question not audible on the tape). Commissioner Bafundo requested that Ms. Igielski, former Board of Education member present at the meeting, address the Commission on the matter. Ms. Igielski stated that as she remembers the bus drivers are unionized and they negotiate with the Town Manager. Commissioner Boorman stated that this does not include those that work less than 20 hours. Ms. Igielski stated that the part-timers are not part of the union because they work less than 20 hours but stated that they are governed by some of the laws, such as being subject to random drug testing and background checks, etc. due to the nature of the job. Commissioner Bafundo requested that Atty. Clark research why the term “nonprofessional” is used at all. Atty. Clark remarked that finding out why it’s there may be more difficult than seeing whether it needs to be there. Ms. Igielski noted that classroom paraprofessionals are also included under nonprofessional employees under the Superintendent and the Personnel Director. Commissioner Bafundo noted that the Commission is going to receive feedback on the number of candidates and feedback on the nonprofessionals.

Commissioner Boorman noted that the concept of staggered terms has been brought up by several members of the Board of Education as well as by several laypersons. Atty. Clark remarked that many towns, including West Hartford, use staggered terms and remarked that it does not get rid of the problem of the number of candidates running but it does slow turnover which could be a good thing or a bad thing. Commissioner Nafis commented that there would actually be fewer candidates running at each election. Atty. Clark stated that there would still only be one candidate not elected. Commissioner Nafis noted that with a staggered term there could be a situation in which a vote getter could end up not getting on the Board due to minority representation requirements. Commissioner Bafundo inquired as to whether staggered terms really solve the problem. Commissioner Boorman noted comments from various people that a reason for staggered terms is that with elections every two years there is too much turnover and it takes two years just to learn the job, and it would be nice to extend the terms out to four years while staggering the terms at the same time. He stated that there would be four year terms with a certain amount of people being elected every two years. Commissioner Bafundo stated that she was looking at it more in terms of extending the terms to four years rather than staggering the terms. Commissioner Briggaman noted that there were three members of the Board of Education who have indicated that they are in favor of staggered terms and three that were not in favor of staggered terms. Commissioner Bafundo stated that in her personal experience as a Board member she believes that either you want to be a candidate or you don’t, staggering the terms would not have made any difference. She remarked that she does not see a benefit to staggered terms and remarked that she does not believe she is supportive of staggered terms at this time. Commissioner Boni noted that the Chair of the Board of Education is not in favor of staggered terms. Commissioner Nafis noted that there are some past Board and Council members that are in favor of staggered terms and remarked that the benefit that these members noted was more for having time to learn and gain expertise within the term. Commissioner Nafis inquired whether the Commissioners desire to include staggered terms in the Charter. Commissioner Boorman replied that there does not seem to be much momentum for the issue at this point and recommended that the Commission pass it over and if anyone would like to revisit the issue in the future they should inform the Commission.

Commissioner Boorman noted that the current time at the meeting is 9:00pm, and noted that the next topic up for discussion may require a lengthy discussion. He noted the wording “as time allows” on the agenda for agenda item VI-B and requested the Commission’s consensus to end the discussion on agenda item VI-B for the evening, to be resumed at the next meeting. The Commission agreed by consensus. Commissioner

Bafundo noted that the Commission will resume its discussion on that agenda item starting with Charter section 202, paragraph B.

VII ANY OTHER BUSINESS PERTINENT TO THIS COMMISSION

Commissioner Boorman stated that his vacation time runs over the Commission's first scheduled meeting in August (August 14). He stated that the Commission may certainly proceed with that scheduled meeting if desired, but requested that the meeting be rescheduled to the following Thursday (August 21) if no one else has scheduling issues. Commissioner Briggaman noted that the Commission has already canceled the second meeting in August. Commissioner Boorman noted that the meeting does not have to be on a Thursday, it can be on another day of the following week. Commissioner Briggaman indicated that he may not be available to meet on August 14. Commissioner Bafundo stated that she would be able to meet on Monday, August 18 or Tuesday, August 19. Ms. Lane indicated that she would not be available to attend on August 18. The Commission agreed by consensus to meet on Tuesday, August 19 at 6:30 (in lieu of the August 14 meeting). Commissioner Boorman requested that Ms. Lane secure the Helen Nelson room at the Town Hall for the meeting if possible, or to notify Commissioner Bafundo if the meeting needs to be held elsewhere, and also requested that Ms. Lane coordinate the meeting with NCTV. Commissioner Boni confirmed that the August 28 meeting is still cancelled as decided at the prior meeting. Commissioner Boorman requested that Ms. Lane post a notice of the changes and of the special meeting.

VIII WRITTEN COMMUNICATION FROM THE PUBLIC (none)

IX PUBLIC PARTICIPATION

Myra Cohen, 42 Jeffrey Lane, Town Council member: Mrs. Cohen commented that there are so many things that need to be changed in the proposed budget referendum document that she was taken aback that the Commission wouldn't just start from the beginning of the document and go through the whole thing. She stated that *seven days for the Council... the Council works on this budget for weeks and when we're not meeting we are looking at it anyway and trying to figure out what to do. Now you're saying that we should get together in the period of seven days... we're not going to sit here for seven days! How many times are you going to meet in a seven day period? You can't just come up with three percent from wherever, where are you going to take the three percent from? You have to go through the whole darn budget again in a seven day period, and you're going to agree... I just don't see that happening. It is going to be such a torturous process that you might as well just come up with the three percent to begin with and forget about the whole referendum process and not need it because it is just not worth the effort to go through all that and then have to jump through hoops for seven days to undo everything that was just done. It is an impossible thing to do because of all of the things you are going to cut; then the people are going to have to pay attention to the public hearing and see that there is no way that we are going to have the three percent....What are we going to do? If we go over the three percent you have the referendum and they say "no" and we have to go through all these hoops anyway. We might as well just do all of the cuts initially. But the seven days – I cannot see that happening.* Commissioner Boorman asked Mrs. Cohen if seven days doesn't work does she believe there is a time period in which that could be accomplished. Mrs. Cohen replied that she *couldn't recommend anything, considering what we go through to come to that number to begin with. You are doing the whole thing again.* Commissioner Bafundo noted that the Council is not negating the whole budget process. Mrs. Cohen replied that *the Council has to look at what it is going to cut and it has to get a majority of the Council to agree.* Commissioner Bafundo remarked that the Council has already done so much work and knows the budget by heart and it comes down to the cuts it has to make. Mrs. Cohen replied that the Council probably went through an awful lot to try to agree to the cuts. Commissioner Bafundo stated that *you are not going to take two weeks to do that, you know.* Mrs. Cohen stated that she can't see that the Council *would agree on anything.* Commissioner Bafundo stated that *you would do it and you would do it over the years, painfully, but you would do it.* Mrs. Cohen noted that in regards to the budget referendum itself, *a certain of percentages of voters have to vote and then you have to decide, do you want a certain percentage of the voters to vote "yes" or do you want a certain percentage of voters to vote "no"? Are we asking them for approval or disapproval? I think there is an awful lot of tweaking to be done to make this work, and as you get into it more and more you are going to find more and more problems to solve. You have to be careful that you do not come too close... you can't come down to the very end of June because you have to have time to wind things up and to get the whole process down. You can't start too early because you won't have your information from the State or anywhere.*

Judy Igielski, 23 Old Musket Drive: Ms. Igielski commented that she likes hearing about the three options for one town: vote “yes”, or vote “no” too high or “no” too low. She remarked that she does not like the idea of an automatic budget referendum at all, but noted that a petitioned one might not be as uneasy to take. She stated hope that information is sent to all voters, not just to property owners. She noted that automatic counting machines will be used for the votes rather than paper ballots, which would be helpful. Ms. Igielski commented that she favors staggered terms for the Board of Education only because it does take a year or two to learn, and even then you don’t learn everything in that time. She stated that with staggered terms there are seasoned members with new members coming on, and it doesn’t matter what party one is on. She stated that the Board believes that it is there for the children. Ms. Igielski started that the general voter is very involved with their own lives, stated that this is good thing, and stated that they would have very little time to go over a complete budget to find out what they are voting on. She stated, however that a petition for a referendum is a totally different ball game. She inquired whether the Commission was discussing having six members on the Board of Education versus nine. Commissioner Briggaman clarified that the discussion was about having six candidates run from each party. Ms. Igielski remarked that if the budget referendum was in effect this year the budget wouldn’t have passed, there would have been a referendum because the increase is over three percent. Mrs. Cohen clarified that this year’s budget was just under three percent. Mrs. Igelski remarked that due to grant money, etc. this year, the three percent may be more difficult to reach next year. She thanked the Commission for its time and diligence

X COMMENTS BY COMMISSIONERS

Atty. Clark recommended that the Commission begins with Commissioner Boni’s motion at the next meeting and then works from section 202-B through section 614 as time allows.

XI ADJOURNMENT

Commissioner Nafis moved to adjourn the meeting at 9:32pm. Motion seconded by Commissioner Boorman. Motion passed 5-0.

Respectfully Submitted,

Mrs. Jaime Trevethan
Clerk – Charter Revision Commission